

Prob 12C

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

**SUPERSEDING PETITION FOR WARRANT OR SUMMONS FOR
OFFENDER UNDER SUPERVISION**

Offender Name: Darrell DUKE

Docket Number: 1:03CR5288 OWW

Offender Address: Bakersfield, CA 93307

Judicial Officer: Honorable Oliver W. Wanger
United States District Judge
Fresno, California

Original Sentence Date: 11-08-95

Original Offense: 21 USC 846 - Conspiracy to Distribute Cocaine Base
(CLASS A FELONY)

Original Sentence: 75 months Bureau of Prisons; 5 years supervised
release; \$50 special assessment; mandatory urinalysis
testing

Special Conditions: Warrantless search; abstain from alcohol; participate in
substance abuse counseling/urinalysis testing; report to
U. S. Probation office within 72 hours of release from
confinement

Other Court Action:

08-07-03: Jurisdiction transferred from the District of Nebraska
(case number 8:CR94-0062) to the Eastern District of
California and assigned to the Honorable U. S. District
Judge Oliver W. Wanger (case number 1:03CR5288).

08-22-03: Modification Petition approved by the Court ordering the
releasee to participate in a community corrections
center for a period not to exceed 180 days. The
modification request was in response to his conviction
in Kern County Superior Court (BM640058A) of
violating: CPC 243(a) - Battery; PC 591- Disconnecting
a telephone line. (Victim: Nisheaka Duke).

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03-04-05: Form 12C Petition filed to advise the Court that the releasee was arrested for a new law violation. It is alleged, that on or about February 13, 2005, Mr. Duke used force on Joann Duke (his wife) and her 11 year old daughter. On March 4, 2005, the Court issued a Summons to appear. The releasee is scheduled to return before Your Honor on September 26, 2006.

Type of Supervision: Supervised release

Supervision Commenced: 03-07-00

Assistant U.S. Attorney: Unassigned

Defense Attorney: Victor Chavez

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PETITIONING THE COURT

☒ **TO ISSUE A WARRANT**
☐ **TO ISSUE A SUMMONS**
☐ **OTHER:**

The probation officer alleges the offender has violated the following condition(s) of supervision:

Charge Number Nature of Violation

Charge 1: NEW LAW VIOLATION

On February 13, 2005, Mr. Duke used physical force on Joann Duke and her 11 year old daughter, in violation of Penal Code Section 273.5(a)/17b - Inflicting Corporal Injury on a Spouse or Cohabitant, a Misdemeanor; Penal Code Section 148(a)(1) - Obstructing or Resisting a Public Peace Officer, a Misdemeanor and violation of Penal Code Section 273(a)(b)/17b - Willful Cruelty to a Child, a Misdemeanor, also in violation of the general condition to obey all laws.

Charge 2: ILLICIT DRUG USE

On September 7, 2005, the releasee submitted a urine specimen which tested positive for phencyclidine, in violation of the mandatory condition requiring him to refrain from the unlawful use of a controlled substance.

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Justification Re: Bail/Detention: Mr. Duke is currently released on his own recognizance while pending formal revocation proceedings in reference to the 12C Petition filed on March 4, 2005, which alleges he used physical force by hitting his wife on her face, head and chest. According to the Pharmchem Analysis Report dated September 9, 2005, Mr. Duke has reportedly engaged in the use of Phencyclidine. Moreover, Mr. Duke has a 2003 conviction in Kern County Superior Court of committing a battery and disconnecting a telephone line. It is significant he has tested positive for phencyclidine (PCP), while pending revocation proceedings for a crime of violence against another person. Therefore, it is respectfully recommended a warrant be issued for his arrest. Mr. Duke is currently scheduled to appear before the Honorable U. S. District Judge, Oliver W. Wanger, on September 26, 2005, at 9:30 a.m., for a formal revocation hearing.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED ON: September 19, 2005
Bakersfield, California
LES:ks

Respectfully submitted,

/s/ Lonnie E. Stockton

LONNIE E. STOCKTON
United States Probation Officer
Telephone: (661) 861-4203

REVIEWED BY: /s/ Rick C. Louviere
RICK C. LOUVIERE
Supervising United States Probation Officer

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THE COURT FINDS PROBABLE CAUSE AND ORDERS:

☒ The issuance of a warrant ☐ Bail set at \$ ____ ☒ No Bail

☐ The issuance of a summons (copy to Defense Counsel).

☐ Other:

FURTHER PROCEEDINGS REGARDING CUSTODY:

☒ Defendant is ordered detained, to be brought before District Judge forthwith.

☐ Initial appearance and detention hearing before Magistrate Judge.

September 21, 2005

/s/ OLIVER W. WANGER

Date

Signature of Judicial Officer

cc: United States Probation
Assistant United States Attorney